

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
(Farm Service Agency)
Plaintiff

v.

DANIEL AUGUSTO MALDONADO HERNANDEZ
Defendant

CIVIL NO. 97-2558 (DRD)

FORECLOSURE OF MORTGAGE

RECEIVED AND FILED
2005 JUN 27 AM 9:41
U.S. DISTRICT COURT
SAN JUAN, P.R.

NOTICE OF SALE

To: DANIEL AUGUSTO MALDONADO HERNANDEZ, Corporación de Credito Agricola, Francisco Umpierre Rivera, ProTruck and Tractors Sales Corporation, and any other party with interest over the property mentioned below.

WHEREAS: Judgment in favor of the United States of America was entered for the principal aggregate amount of \$25,571.99 plus \$31,102.90 in interest accrued as of June 28, 1996, plus \$7.5315 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, cost or disbursement that may have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed and the principal aggregate amount of \$33,375.60 plus \$41,084.01 in interest accrued as of June 28, 1996, plus \$9.8298 per day from then on until payment in full, plus attorney's fees and costs, plus any charge, fee, costs or disbursement that my have been incurred by plaintiff according to the terms of the promissory note or mortgage loan being foreclosed.

United States v. Daniel Augusto Maldonado Hernandez, et al.
Civil No. 97-2558(DRD)
Page 2

The records of the case and of these proceedings may be examined by interested parties at the Office of the Clerk of the United States District Court, Federal Building, Chardón Avenue, Hato Rey, Puerto Rico.

WHEREAS: Pursuant to the terms of the aforementioned judgment and the order of execution thereof, the following property belonging to the defendant will be sold at public auction:

RUSTICA: Predio de terreno sito en el barrio Portillo de adjuntas, Puerto Rico, con cabida de TREINTA Y TRES CUERDAS CON CUARENTA Y DOS CENTIMOS, iguales a trece hectáreas, trece áreas, cincuenta y tres centiáreas y tres miliáreas en lindes por el Norte, con Héctor Rivera; Sur, con Héctor Rivera y Juan Pastor Orta; Oeste, con Héctor Rivera y Pédro Vélez y al ESTE, con Juan Pastor Orta y Antonio Nieves.

Plaintiff's mortgage for the amount of \$22,700.00 later reamortized to \$24,971.99 was recorded at page 230, volume 162 of Adjuntas property number 5906, 6th Inscription, at the Registry of the Property of Utuado, Puerto Rico.

Plaintiff's mortgage for the amount of \$40,000.00 was recorded at page 230vto. Volume 162 of Adjuntas, property number 5906, 7th Inscription, at the Registry of the Property of Utuado, Puerto Rico.

WHEREAS: This property is subject to the following liens:

Senior Liens: None

Junior Liens:

United States v. Daniel Augusto Maldonado Hernandez, et al.
Civil No. 97-2558(DRD)
Page 3

HIPOTECA: Por la suma principal de \$3,000.00 en garantía de un pagaré a favor de la CORPORACION DE CREDITO AGRICOLA, con intereses at 7% anual y vencimiento a la presentación, tasada en \$3,000.00, constituida mediante la escritura No. 256 otrogada en Ponce el 28 de septiembre del 1979, ante Carmen Dolores Ruíz López, inscrita al folio 231 del tomo 162 de Adjuntas, finca No. 5906, inscripción 8a.

AVISO DE DEMANDA: En el Tribunal Superior de Puerto Rico, sala de Ponce, en el Caso Civil No. TD-92-403, según Mandamiento de fecha 14 de junio de 1994, seguido por Francisco Umpierre Rivera versus Daniel A. Maldonado Hernández, se solicita el pago de la deuda la cual asciende a la suma principal de \$32,886.00, anotado el 23 de junio de 1994, al folio 217 del tomo 240 de Adjuntas, finca No. 5906, anotación A.

AVISO DE DEMANDA: En el Tribunal Superior de Puerto Rico, sala de Adjuntas, en el Caso Civil No. CD-94-175, según Mandamiento de fecha 9 de diciembre de 1994, seguido por Pro Truck and Tractors Sales Corporation versus Daniel A. Maldonado Hernández, se solicita el pago de la deuda la cual asciende a la suma principal de \$47,000.00, anotado el 23 de enero de 1995, al folio 217vto. del tomo 240 de Adjuntas, finca No. 5906, anotación B.

Other Liens:

Potential bidders are advised to verify the extent of preferential liens with the holders thereof. It shall be understood that each bidder accepts as sufficient the title and that prior and preferential liens to the one being foreclosed upon, including but not limited to any property tax liens (express, tacit, implied or legal), shall continue in effect it being understood further that the successful bidder accepts them and is subrogated in the responsibility for the same and that the bid price shall not be applied toward their cancellation.

United States v. Daniel Augusto Maldonado Hernandez, et al.
Civil No. 97-2558 (DRD)
Page 4

WHEREAS: For the purpose of the first judicial sale, the minimum bid agreed upon by the parties in the mortgage deed will be on the first loan \$22,700.00, on the second mortgage \$62,700.00 and no lower offer will be accepted. Should the first judicial sale of the above described property be unsuccessful, then the minimum bid for the property on the second judicial sale will be two-thirds the amount of the minimum bid for the first judicial sale. The minimum bid for a third judicial sale, if the same is necessary, will be one-half of the minimum bid agreed upon the parties in the aforementioned mortgage deed. (30 LPRA 2721, Mortgage and Property Registry Act, Act. No. 198, Article 221, as amended).

WHEREAS: Said sale to be made by the United States Marshal is subject to confirmation by the United States District Court for the District of Puerto Rico and the deed of conveyance and possession to the property will be executed and delivered only after such confirmation.

~~NOW THEREFORE, public notice is hereby given that the United~~
States Marshal, pursuant to the provisions of the Judgment hereinbefore referred to will, on the 11th day of **May, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal for the Superior Court of Puerto Rico, Utuado Part, located at Centro Judicial, Avenida Nueva, Utuado, Puerto Rico, in accordance with 28 U.S.C. 2001, will sell at public auction to the highest bidder, the

United States v. Daniel Augusto Maldonado Hernandez, et al.
Civil No. 97-2558 (DRD)
Page 5

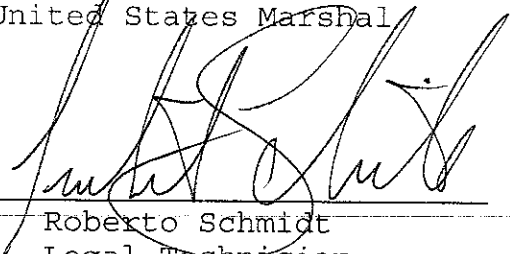
property described herein, the proceeds of said sale to be applied in the manner and form provided by the said judgment.

Should the first judicial sale set hereinabove be unsuccessful, the second judicial sale of the property described in this Notice will be held on the 18th day of **May, 2005** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above. Should the second judicial sale set hereinabove be unsuccessful, the third judicial sale of the property described in this Notice will be held on the 25th day of **May, 2004** at **11:00 A.M.** of said day, in the Office of the Marshal of this Court located at the address indicated above.

In San Juan, Puerto Rico, this 28th day of March, 2005.

HERMAN J. WIRSHING
United States Marshal

By: _____


Roberto Schmidt
Legal Technician